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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,445	09/21/2000	Jonathan B. Olson	15226.4	1490

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WORKMAN NYDEGGER
(F/K/A WORKMAN NYDEGGER & SEELEY)
60 EAST SOUTH TEMPLE
1000 EAGLE GATE TOWER
SALT LAKE CITY, UT 84111

EXAMINER

FRENEL, VANEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,445

Applicant(s)

OLSON ET AL.

Examiner

Vanel Frenel

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Amendment filed on 09/29/05. Claims 1, 3-4, 10, 12, 15, 17, 23 and 24 have been amended. Claims 2, 13-14, 22, 26, 32 and 38 have been canceled. Claims 1, 3-12, 15-21, 23-25, 27-31, 33-37 and 39-42 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-12, 15-21, 23-25, 27-31, 33-37, and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mc Andrew et al (5,517,405) and Joao (6,283,761) as applied in the prior Office Action, and further in view of "Lifechart.com Takes Next Step to Monitoring Health Online: First E-Health Company of Its Kind to Expand Services With Wireless Applications" by PR Newswire (New York: Apr 12, 2000. pg.1 hereinafter, "PR Newswire").

(A) Claim 1 has been amended to recite the limitation of "upon identifying at least one patient which a clinician will treat during a time period and for which the clinician is to receive decision-supported patient data to assist the clinician in the medical care the at least one patient"; "being", "the", "which the clinician will treat in the time period", "to",

“the confirmation of the data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician”.

Andrew and Joao do not explicitly disclose “upon identifying at least one patient which a clinician will treat during a time period and for which the clinician is to receive decision-supported patient data to assist the clinician in the medical care the at least one patient”; “being”, “the”, “which the clinician will treat in the time period”, “to”, “the confirmation of the data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician”.

However, these features are known, as evidenced by PR Newswire. In particular, PR Newswire suggests “upon identifying at least one patient which a clinician will treat during a time period and for which the clinician is to receive decision-supported patient data to assist the clinician in the medical care the at least one patient”; “being”, “the”, “which the clinician will treat in the time period”, “to”, “the confirmation of the data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician” (See PR Newswire, Page 2, Paragraphs 1-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of PR Newswire within the collective teachings of Mc Andrew and Joao with the motivation of providing “fast –changing world of Internet technology, which becomes more important that patients and physicians continue to connect in way that will improve communications, treatments and health outcomes (See PR Newswire, Page 1, Paragraph 3).

(B) Claim 3 has been amended to recite the limitation of “to store”. However, this changes does not affect the scope and the breadth of the claim as originally presented/or in the manner in which was interpreted by the Examiner when applying prior art within the previous Office Action. As such, this claim is rejected under the same reason given in the prior Office Action, and incorporated herein.

(C) Claim 4 has been amended to recite the limitation of “to present the”. However, this changes does not affect the scope and the breadth of the claim as originally presented/or in the manner in which was interpreted by the Examiner when applying prior art within the previous Office Action. As such, this claim is rejected under the same reason given in the prior Office Action, and incorporated herein.

(D) Claim 10 has been amended to delete the words “that was”. However, this changes does not affect the scope and the breadth of the claim as originally presented/or in the manner in which was interpreted by the Examiner when applying prior art within the previous Office Action. As such, this claim is rejected under the same reason given in the prior Office Action, and incorporated herein.

(E) Claim 12 has been amended to recite the limitation of “upon identifying at least one patient which a clinician will treat during a time period and for which the clinician is to receive decision-supported patient data to assist the clinician in the medical care the

at least one patient”; “any”, “being”, “to”, “the confirmation of the data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician”.

Andrew and Joao do not explicitly disclose “upon identifying at least one patient which a clinician will treat during a time period and for which the clinician is to receive decision-supported patient data to assist the clinician in the medical care the at least one patient”; “any”, “being”, “to”, “the confirmation of the data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician”.

However, these features are known, as evidenced by PR Newswire. In particular, PR Newswire suggests “upon identifying at least one patient which a clinician will treat during a time period and for which the clinician is to receive decision-supported patient data to assist the clinician in the medical care the at least one patient”; “any”, “being”, “to”, “the confirmation of the data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician” (See PR Newswire, Page 2, Paragraphs 1-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of PR Newswire within the collective teachings of Mc Andrew and Joao with the motivation of providing “fast –changing world of Internet technology, which becomes more important that patients and physicians continue to connect in way that will improve communications, treatments and health outcomes (See PR Newswire, Page 1, Paragraph 3).

(F) Claims 15 and 17 have been amended to delete the word “that”. However, this changes does not affect the scope and the breadth of the claim as originally presented/or in the manner in which was interpreted by the Examiner when applying prior art within the previous Office Action. As such, this claim is rejected under the same reason given in the prior Office Action, and incorporated herein.

(G) Claim 23 has been amended to recite the limitation of “any”, “the confirmation of the data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician”.

Andrew and Joao do not explicitly disclose “any”, “the confirmation of the data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician”.

However, these features are known, as evidenced by PR Newswire. In particular, PR Newswire suggests “any”, “the confirmation of the data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician” (See PR Newswire, Page 2, Paragraphs 1-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of PR Newswire within the collective teachings of Mc Andrew and Joao with the motivation of providing “fast –changing world of Internet technology, which becomes more important that patients and physicians

continue to connect in way that will improve communications, treatments and health outcomes (See PR Newswire, Page 1, Paragraph 3).

(H) Claim 24 has been amended to recite the limitation of “being”, “to”, “to”, “the confirmation of the data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician”.

Andrew and Joao do not explicitly disclose “being”, “to”, “to”, “the confirmation of the data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician”.

However, these features are known, as evidenced by PR Newswire. In particular, PR Newswire suggests “being”, “to”, “to”, “the confirmation of the data being selected from a default configuration associated with the mobile user module or a customized configuration selected by the clinician” (See PR Newswire, Page 2, Paragraphs 1-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of PR Newswire within the collective teachings of Mc Andrew and Joao with the motivation of providing “fast –changing world of Internet technology, which becomes more important that patients and physicians continue to connect in way that will improve communications, treatments and health outcomes (See PR Newswire, Page 1, Paragraph 3).

(I) Claims 5-9, 11, 16, 18-21, 25, 27-31, 33-37 and 39-42 have not been amended and are therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

Response to Arguments

4. Applicant's arguments filed on 09/29/05 with respect to claims 1, 3-12, 15-21, 23-25, 27-31, 33-37, and 39-42 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

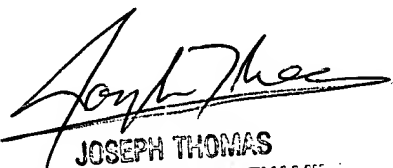
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied prior art Optimizing the task of menu selection for large controlled vocabularies by Poon, Alex Dai-Shun, Ph.D., Stanford University, 1997, 134 pages; AAT 9714176) and Integra LifeSciences and QuadraMed Corporation Announce Joint Agreement for New Clinical Information Systems By PR Newswire. New YORK: Mar 18, 1998. pg.1).

V.F
V.F

December 11, 2005


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600